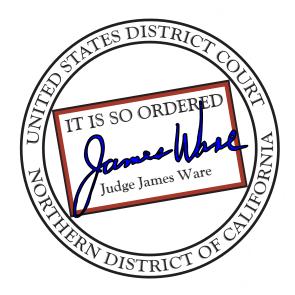
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# UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

#### SAN FRANCISCO DIVISION

THOMAS DILLON, as Court-Appointed Receiver for Vesta Strategies, LLC and Excalibur 1031 Group, LLC,

Plaintiff,

v.

CONTINENTAL CASUALTY COMPANY, an Illinois corporation,

Defendant.

Case No. C 10-05238 JW

STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE

Old Date: September 19, 2011

New Date: October 17, 2011

Time: 10:00 a.m.

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Plaintiff Thomas Dillon, as the Court-Appointed Receiver for Vesta Strategies, LLC and
Excalibur Group, LLC ("Plaintiff" or "Receiver"), and Defendant Continental Casualty Company
("Continental") submit the following stipulation to continue the September 19, 2011 Case
Management Conference in the above-captioned matter to October 17, 2011 at 10:00 a.m.

#### **RECITALS**

- A. The Court scheduled a Case Management Conference in the above-captioned matter for September 19, 2011 (Doc. No. 43, p. 12);
- B. A Case Management Conference has also been scheduled for September 19, 2011 in the related case, *United States Fire Insurance Company v. Vesta Strategies, LLC, et al.*; Case No. C 09-02388 (the "U.S. Fire Action");
- C. The Receiver is a party to both this action and the *U.S. Fire* Action, and is represented by Hollister & Brace in both actions;
- D. Counsel for Continental has a scheduling conflict and cannot attend the Case Management Conference scheduled for September 19, 2011;
- E. The parties in this action and the *U.S. Fire* Action have met and conferred, and all counsel are available on October 17, 2011 for Case Management Conferences in both this action and the *U.S. Fire* Action; and
- F. The parties to the *U.S. Fire* Action, the Receiver and United States Fire Insurance Company, will also be submitting a stipulation and proposed order to continue the September 19, 2011 Case Management Conference in that action to October 17, 2011 at 10:00 a.m.

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### **STIPULATION**

Based on the foregoing, the Receiver and Continental hereby stipulate to the continuance of the September 19, 2011 Case Management Conference in the above-captioned matter to October 17, 2011 at 10:00 a.m. The parties further stipulate that the deadline to file a Joint Case Management Statement is continued from September 9, 2011 to October 7, 2011.

Dated: August 31, 2011 **HOLLISTER & BRACE** 

9 By: /s/ Robert L. Brace Robert L. Brace 10 Peter L. Candy

> Attorneys for Plaintiff Thomas Dillon

Dated: August 31, 2011 TROUTMAN SANDERS, LLP

> By: /s/ Ryan C. Tuley Ryan C. Tuley, SBN 198249 Eileen King Bower, Pro Hac Vice Brian P. Cummings, Pro Hac Vice

Attorneys for Defendant Continental Casualty Company

STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE -- C10-05238 JW

#### **ORDER**

The Court, having considered the stipulation of Plaintiff Thomas Dillon, as the Court-Appointed Receiver for Vesta Strategies, LLC and Excalibur Group, LLC, and Defendant Continental Casualty Company, and good cause appearing therefore, hereby ORDERS that:

- 1. The September 19, 2011 Case Management Conference in the above-captioned matter is continued to October 17, 2011 at 10:00 a.m.; and
- 2. The deadline to file a Joint Case Management Statement is continued from September 9, 2011 to October 7, 2011.

Dated: September 1, 2011

James Ware, United States District Court